

HOUSE BILL 264

D4

2lr0049

By: **Chair, Judiciary Committee (By Request – Departmental – Human Resources)**

Introduced and read first time: January 27, 2012

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **State Council on Child Abuse and Neglect – Transfer to Department of**
3 **Human Resources**

4 FOR the purpose of transferring the State Council on Child Abuse and Neglect from
5 the Office for Children, Youth, and Families to the Department of Human
6 Resources; repealing a provision relating to the term of a member of the
7 Governor’s Council on Child Abuse and Neglect on a certain date; repealing
8 certain committees of the State Council; transferring the authority to impose a
9 certain civil penalty for a certain violation from the Special Secretary of
10 Children, Youth, and Families to the Secretary of Human Resources; and
11 generally relating to the State Council on Child Abuse and Neglect.

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 5–7A–01, 5–7A–02, 5–7A–05, and 5–7A–07
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Family Law**

20 5–7A–01.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) There is a State Council on Child Abuse and Neglect.

2 (b) The Council is part of the [Office for Children, Youth, and Families]
3 **DEPARTMENT OF HUMAN RESOURCES** for budgetary and administrative purposes.

4 5-7A-02.

5 (a) The Council consists of up to 23 members including:

6 (1) [a Senator designated] **ONE MEMBER OF THE SENATE OF**
7 **MARYLAND APPOINTED** by the President of the Senate [of Maryland];

8 (2) [a Delegate designated] **ONE MEMBER OF THE HOUSE OF**
9 **DELEGATES APPOINTED** by the Speaker of the [Maryland] House [of Delegates];

10 (3) a representative of the Department of Human Resources,
11 [designated] **APPOINTED** by the Secretary **OF HUMAN RESOURCES**;

12 (4) a representative of the Department of Health and Mental Hygiene,
13 [designated] **APPOINTED** by the Secretary **OF HEALTH AND MENTAL HYGIENE**;

14 (5) a representative of the Maryland State Department of Education,
15 designated by the Superintendent;

16 (6) a representative of the Department of Juvenile Services,
17 designated by the Secretary;

18 (7) a representative of the Judicial Branch, designated by the Chief
19 Judge of the Maryland Court of Appeals;

20 (8) a representative of the State's Attorneys' Association, designated
21 by the Association;

22 (9) a pediatrician with experience in diagnosing and treating injuries
23 and child abuse and neglect, who shall be appointed by the Governor from a list
24 submitted by the Maryland chapter of the American Academy of Pediatrics;

25 (10) members of the general public with interest or expertise in the
26 prevention or treatment of child abuse and neglect who shall be appointed by the
27 Governor and who shall include representatives from professional and advocacy
28 groups, private social service agencies, and the medical, law enforcement, education,
29 and religious communities; and

1 (11) at least two individuals who have personal experience with child
2 abuse and neglect within their own families or who have been clients of the child
3 protective services system who shall be appointed by the Governor.

4 (b) (1) The term of a member appointed under subsection (a)(9), (10), or
5 (11) of this section is 3 years.

6 (2) An appointed member may serve up to two consecutive 3-year
7 terms.

8 (3) [This section does not affect the term of any person who is a
9 member of the Governor's Council on Child Abuse and Neglect on July 1, 1999.

10 (4)] In case of a vacancy, the Governor shall appoint a successor for the
11 remainder of the unexpired term.

12 (c) All other members of the Council shall continue in office so long as they
13 hold the required qualification and designation specified in subsection (a)(1) through
14 (8) of this section.

15 5-7A-05.

16 (a) The Council shall operate with [three] **ONE** standing [committees]
17 **COMMITTEE**.

18 (b) [The Conference Committee shall be responsible for planning and
19 implementing the Council's annual statewide conference on child abuse and neglect. It
20 shall include representation from the public and private sectors.

21 (c) The Legislative Committee shall be responsible for reviewing and making
22 recommendations concerning legislation to improve the State's response to the
23 problem of child abuse and neglect.

24 (d)] The federal Children's Justice Act Committee is established in
25 accordance with the requirements of the federal Children's Justice Act, Public Law
26 100-294. It shall review and evaluate State investigative, administrative, and judicial
27 handling of child abuse and neglect cases, and make policy and training
28 recommendations to improve system response and intervention. The Committee shall
29 include representatives of the State judiciary with criminal and civil trial court docket
30 experience, law enforcement agencies, the Maryland Public Defender's Office, State's
31 Attorneys, the Court Appointed Special Advocate (CASA) Program, health and mental
32 health professions, child protective services programs, programs that serve children
33 with disabilities, parent groups, and attorneys who represent children.

1 [(e) (C) In addition to the [three standing committees] **CHILDREN'S**
 2 **JUSTICE ACT COMMITTEE**, the Council may establish other ad hoc committees as
 3 necessary to carry out the work of the Council.

4 5-7A-07.

5 (a) The members and staff of the Council:

6 (1) may not disclose to any person or government official any
 7 identifying information about any specific child protection case about which the
 8 Council is provided information; and

9 (2) may make public other information unless prohibited by law.

10 (b) In addition to any other penalties provided by law, the [Special Secretary
 11 for Children, Youth, and Families] **SECRETARY OF HUMAN RESOURCES** may
 12 impose on any person who violates subsection (a) of this section a civil penalty not
 13 exceeding \$500 for each violation.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.